
STATE BAR OF CALIFORNIA
COMMISSION FOR THE REVISION OF THE RULES
OF PROFESSIONAL CONDUCT

OPEN SESSION AGENDA

Friday, September 5, 2003
(9:30 am - 4:55 pm)

Anaheim Hilton
777 Convention Way
Anaheim, CA 92802
(714) 750-4321

I. APPROVAL OF OPEN SESSION ACTION SUMMARY FROM JULY 11, 2003 MEETING

(Revised draft action summary enclosed.) *[pages 1 - 14]*

II. REMARKS OF CHAIR

A. Chair's Report

(The Chair will provide an oral report on administrative, procedural, or other informational matters.)

B. Staff's Report

(Staff will report on the activities of COPRAC and the Board of Governors.)

III. MATTERS FOR ACTION (Name with asterisk is lead drafter, underline indicates a newly added co-drafter.)

*George,
Julien,
Ruvolo

- A. Consideration of Rule 1-400. Advertising and Solicitation**
[anticipated 1 and ½ hour discussion]
(Materials enclosed: August 22, 2003 e-mail message and memo from Ed George; and August 21, 2003 Comparison Chart of Selected States' Advertising Rules from Kevin Mohr.) **[pages 15 – 82]**

All Members
and

*Peck,
Martinez,
Melchior

- B. Consideration of a “Practice of Law” Definition**
[anticipated 1-hour discussion]
(Materials enclosed: August 19, 2003 memo from Ellen Peck; and June 26, 2003 Comparison Chart of States' Reliance on “Moral Turpitude” as Basis for Enforcing Discipline from Kevin Mohr.) **[pages 83 – 116]**

*Vapnek,
Peck

- C. Consideration of Rule 1-120X. New Rule Proposal Arising from Discussion of Rule 1-120 re Incorporating Case Law and B&P Code Provisions** [anticipated 1-hour discussion]
(Materials enclosed: August 20, 2003 memo and proposed draft rule from Ellen Peck.) **[pages 117 – 122]**

*Voogd,
Peck,
Melchior

- D. Consideration of Proposed New Rule re “Recording Time”**
[anticipated 1/2-hour discussion]
(Materials enclosed: July 16, 2003 e-mail message from Kurt Melchior.) **[pages 123 – 124]**

*Tuft
Betzner,
Martinez,
Peck

- E. Consideration of Rules: 1-300 (Unauthorized Practice of Law); 1-310 (Forming a Partnership With a Non-Lawyer); 1-320 (Financial Arrangements With Non-Lawyers); and 1-600 (Legal Service Programs)** [anticipated 1-hour discussion]
(Materials enclosed: August 21, 2003 memo and attachments from Mark Tuft. Please also refer to materials provided for Item III.B. above --August 19, 2003 memo from Ellen Peck.) **[pages 125 – 148]**

*Melchior,
Foy,
Lamport,
Voogd

- F. Consideration of Rule 3-600. Organization as Client**
[anticipated 1-hour discussion]
(Materials enclosed: August 25, 2003 Comparison Chart of Rule 3-600 to Model Rule 1.13 from Kevin Mohr, with Kurt Melchior's comments shown in bold and underline; August 7, 2003 letter from Jerry Sapiro to Assemblyman Steinberg; and text of Model Rule 1.13 "Organization as Client" as approved by the American Bar Association House of Delegates at their recent meeting.) **[pages 149 – 192]**

*Melchior,
Betzner,
Sapiro

- G. Consideration of Proposed New Rule Regarding Good Faith Reliance on the Advice of Counsel**
[anticipated 1/2-hour discussion]
(Materials enclosed: July 16, 2003 e-mail message and attached draft rule from Kurt Melchior.) **[pages 193 – 196]**

**STATE BAR OF CALIFORNIA
COMMISSION FOR THE REVISION OF THE RULES
OF PROFESSIONAL CONDUCT**

CLOSED SESSION AGENDA*

Friday, September 5, 2003
(4:55 pm - 5:00 pm)

Anaheim Hilton
777 Convention Way
Anaheim, CA 92802
(714) 750-4321

- I. APPROVAL OF CLOSED SESSION ACTION SUMMARY FROM MAY 2, 2003 MEETING
(Draft action summary enclosed.) *[pages 1 – 2]*

- II. CONSIDERATION OF POSSIBLE REQUEST FOR ADVICE OF COUNSEL RE MEETING WITH REPRESENTATIVES OF THE ABA JOINT COMMISSION ON LAWYER REGULATION
(Meeting summary enclosed.) *[pages 3 - 12]*

- III. ADVICE OF COUNSEL ON OPEN SESSION AGENDA ITEMS

- IV. ACTION ITEMS.
 - A. Emergency action items, if any.

* Closed pursuant to Article 3, Section 2, Subdivision (b), Rules Governing Open Meetings, Closed Sessions and Records of the Board of Governors.